IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

Criminal Application No.2562 of 2007

Omkar Singh Sajjan Singh Jat Petitioner

Vs.

The State of Maharashtra Respondent

Mr.S.K.Keswani for petitioner.

Mr.S.R.Shinde, APP for State.

CORAM: B.H.MARLAPALLE, J.

August 24, 2007.

P.C.

. Heard Mr.Keswani, the learned counsel for the petitioner who is impleaded as an accused in CC No.894/P/2002 which is presently pending for trial before the learned Metropolitan Magistrate's 49th Court, Vikhroli.

. This application has been filed under Section 482 of Cr.P.C. praying for quashing of the said case qua the petitioner and in support of this prayer the learned counsel for the petitioner referred to the statements recorded in the month of November 2001

during the police investigations. The incident pertains to a taxi car running over some persons and two of them died. It is contended that the statements recorded by the police during the course of investigation do not even prima facie indicate the involvement of the present petitioner in the said case in asmuchas he was neither a passenger in the car nor is he the owner of the said car.

. Admittedly on investigation the police have filed charge-sheet about four years back and the petitioner has approached this Court after waiting for all this time. The petitioner's more efficacious remedy would be before the trial Court to apply for discharge and the trial Court will be in a better position to appreciate the contentions of the petitioner on the basis of the record available before it including the charge-sheet and the statements of the witnesses annexed thereto and other documentary evidence. It would not be safe for this Court to invoke its inherent powers under Section 482 of Cr.P.C.

. Hence the application is rejected with liberty to the petitioner to approach the trial Court. If

such an application is filed within a period of two weeks from today, the same shall be heard and decided on its own merits as expeditiously as possible and preferably within a period of six months, provided that the trial in the case has not yet commenced.

(B.H.MARL